

United States Court of Appeals

Eleventh Circuit

56 Forsyth Street, N.W.

Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

February 1, 2008

NOTICE TO ALL COUNSEL OR RECORD:

No. 05-16734 - C. Alan Powell, et al. v. Sheriff Jacqueline Barrett, et al.

Dear Counsel:

Enclosed is an order entered by the court directing that this case be reheard en banc. Under Eleventh Circuit Rule 35, the effect of granting rehearing en banc is to vacate the previous opinion and judgment of this court and to stay the mandate.

You will be notified by subsequent correspondence of the schedule for filing en banc briefs, the issue(s) which the court wishes the parties to focus on in their briefs, and the page limitations on them. We will communicate with you at a later time regarding report time and time limitations on oral argument should this case be designated for oral argument.

Sincerely,

THOMAS K. KAHN, Clerk

By _____
Matt Davidson
Calendar Clerk

Sidney Leighton Moore, III
Theodore H. Lackland
Teresa Wynn Roseborough
John H. Fleming
William Charles Claiborne, III
George Brian Spears
Barrett S. Litt
Charles B. Pekor, Jr.
Daniel Eliot DeWoskin
Coy J. Johnson, Jr.
Rolesia Butler Dancy
Willie Jake Lovett, Jr.
Overtis Hicks Brantley
Clerk, U. S. District Court (NGA)
Honorable Richard W. Story

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 05-16734

(D.C. Docket No. 04-01100-CV-RWS-1))

C. ALAN POWELL, individually, and on behalf of
all others similarly situated, TORY DUNLAP, individually,
and on behalf of all other similarly situated, LEE ANTONIO
SMITH, individually, and on behalf of all other similarly situated,
DAVID EVANS, individually, and on behalf of
all others similarly situated,

Plaintiffs Appellees
Cross-Appellants,

versus

SHERIFF JACQUELINE BARRETT, Fulton County, State of Georgia,
SHERIFF MYRON FREEMAN, FULTON COUNTY, STATE OF
GEORGIA, CHAIRPERSON KAREN HANDEL,
Fulton County Board of Commissioners, MEMBER ROBB PITTS,
Fulton County Board of Commissioners, MEMBER TOM LOWE,
Fulton County Board of Commissioners, MEMBER EMMA I.
DARNELL, Fulton County Board of Commissioners,
MEMBER NANCY A. BOXILL, Fulton County Board of Commissioners,
MEMBER WILLIAM EDWARDS, a.k.a. BILL EDWARDS,
Fulton County Board of Commissioners,
CITY OF ATLANTA, State of Georgia,

Defendants-Appellants
Cross-Appellees.

On Appeal from the United States District Court for the
Northern District of Georgia

(Opinion August 23, 2007, 496 F.3rd 1288, 11th Cir. 2007)

(February 1, 2008)

Before EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH, DUBINA, BLACK, CARNES, BARKETT,
HULL, MARCUS, WILSON and PRYOR, Circuit Judges.

BY THE COURT:

A member of this Court in active service having requested a poll on whether these cases should be reheard by the Court sitting en banc, and a majority of the judges in this Court in active service having voted in favor of granting a rehearing en banc,

IT IS ORDERED that the above cause shall be reheard by this court en banc. The previous panel's opinion is hereby VACATED.